

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 29

September 13, 2006

**SUBJECT:** AMENDMENT TO DEPARTMENT MANUAL SECTION 4/610.52,  
DISORDERLY CONDUCT BOOKINGS - LOITERING

**PURPOSE:** California Penal Code Section (PC) 647(e) prohibits persons from loitering or wandering on the streets without apparent reason and failing to provide a "credible and reliable" identification, and to account for their presence when requested by a peace officer, if the surrounding circumstances would indicate to a reasonable person that the public safety demands such identification.

In a 1983 decision, the United States Supreme Court determined the statute was unconstitutionally vague because it failed to clarify what was credible and reliable identification and because it vested complete discretion in the police to determine whether a suspect violated the statute. Therefore, Penal Code Section 647(e) shall be deleted from Department Manual Section 4/610.52, as it has been deemed unconstitutional.

**AMENDMENTS:** This Order amends Department Manual Section 4/610.52.

WILLIAM J. BRATTON  
Chief of Police

DISTRIBUTION "A"